

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/22/2010 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-5 and 7-15 and 17-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. Claims 14, 20, 21, 22 and 25 recite "computer readable medium encoded with a computer program executable". The specification does not disclose or define the "computer readable medium" recited in these claims and given a broad reasonable interpretation, it could be directed to carrier waves or signals which are non statutory.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 and 7-15 and 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deo et al (US-5721781).

a. Referring to claims 1, 13 and 14:

Regarding claims 1, 13 and 14, Deo teaches a method comprising: maintaining, at a mobile electronic device, a centralized register of usage contexts and pre-stored user profiles of a user of an the mobile electronic device, wherein each user profile of the user is being associated with at least one usage context (Col 4, Line 23-27, Col 5, Line 57 thru Col 6, Line 6 and Col 4, Line 63 thru Col 5, Line 4.... pre-stored usage contexts (applications) and user profiles (certificates) wherein the certificate is associated with the application and stored on a mobile device); prompting the user at the mobile electronic device indicating to select, with a user input of the mobile electronic device, a particular one of said at least one usage context indicated on a display of the mobile electronic device (Col 4, Line 23-27, Col 5, Line 33-44... user select usage context using the mobile device of the invention); entering the selected usage context, wherein the selected usage context is for use in a transaction made by the user; identifying said entering; selecting from the centralized register a user profile in response to said identifying (Col 4, Line 23-27, Col 10... Line 17-30.... selecting the usage context and the related certificate using the mobile device of the invention), and performing authentication of the user of the mobile electronic device in the selected usage context by for use in the transaction made by the user, wherein performing the authentication comprises using data from the selected user profile and prompting the user to enter, with the user input of the mobile electronic device, a personal

identification number (Col 4, Line 23-27 and Col 10, Line 13-30.... using the mobile device of the invention, authentication to the usage contexts using the certificate wherein the user is authenticated to the mobile using a PIN).

Deo discloses maintaining a database of usage contexts (applications) and user profiles (certificates) on a smart card wherein the user profiles are associated with the usage contexts and the smart card interfaces with an external read/write equipment to access the stored usage contexts and profiles. Deo also discloses that a mobile electronic device can be used in place of the smart card (Col 4, Line 23-27) but does not describe an embodiment to teach this. However, it is well known in the art and one of ordinary skill in the art can modify Deo's invention to use the mobile device disclosed by Deo by storing the usage contexts and profiles (stored on the smart card) on the memory of the mobile device wherein the mobile device wirelessly interfaces with the terminal of the invention through interaction with the user on its display. The purpose of this modification is that using a mobile device instead of a smart card gives the user added functionalities such as the ability to interact with a terminal and to access the usage contexts (application) on the display of the mobile device.

a. Referring to claims 2 and 17:

Regarding claims 2 and 17, Deo teaches the method according to claim 1, wherein the selected user profile comprises at least one of the following: a user key, a user certificate (Col 5, Line 57 thru Col 6, Line 14..... user key, certificate).

a. Referring to claims 3 and 18:

Regarding claims 3 and 18, Deo teaches the method according to claim 2, wherein said user key further comprises at least one of the following a public key and a secret key (Col 9, Line 49-52.... public key, unique key).

a. Referring to claim 4:

Regarding claim 4, Deo teaches the method according to claim 1, wherein the selected usage context comprises an event in a service or application being used in the mobile electronic device by the user, said event further comprising at least one of the following: authentication event, verifying event (Col 4, Line 23-27 and Col 4, Line 63 thru Col 5, Line 11..... using the mobile device of the invention, authentication of financial event or application).

a. Referring to claims 5 and 15:

Regarding claims 5 and 15, Deo teaches the method according to claim 1, wherein the user of the mobile electronic device entering the personal identification number with the user input of the mobile electronic device authenticates electronic credit card information stored on the mobile electronic device to be used by the mobile electronic device for the transaction made by the user (Col 4, Line 23-27 and Col 9, Line 25-47.... using the mobile device of the invention, the entered PIN authenticates the user before the user profiles stored on the mobile device can be used for financial transactions)

a. Referring to claims 7, 10 and 20:

Regarding claims 7, 10 and 20, Deo teaches the method according to claim 1, wherein selecting the user profile comprises identifying, by the mobile electronic device, that the selected usage context is being used for a first time and prompting the user to enter, with the user input of the mobile electronic device, a user profile for the selected usage context (Col 4, Line 23-27, Col

9, Line 63 thru Col 10, Line 8 and Col 5, Line 45-55.... using the mobile device of the invention, first time user access requiring user to provide user profile).

a. Referring to claims 8, 11 and 21:

Regarding claims 8, 11 and 21, Deo teaches the method according to claim 1, wherein selecting the user profile comprises identifying, by the mobile electronic device, that the selected usage context is not being used for a first time and pro, tiding displaying, on the display of the mobile electronic device, a list of user profiles for the selected usage context to the user of the mobile electronic electronics device to select from (Col 4, Line 23-27, Col 5, Line 33, thru Col 6 Line 14... using the mobile device of the invention, selecting the application by the user also selects associated certificate stored on the device).

a. Referring to claims 9, 12 and 22:

Regarding claims 9, 12 and 22, Deo teaches the method according to claim 1, where wherein the particular one of said at least one usage context is indicated on the display of the mobile electronic device based on a location of the mobile electronic device and wherein the selected usage context is de-selected when the mobile electronic device leaves the location (Col 4, Line 23-27, Col 4, Line 63 thru Col 5, Line 11... using the mobile device of the invention, multiple usage domains and selecting applications (while de-selecting the application in use before entering the domain) when in a particular usage domain).

a. Referring to claim 19

Regarding claim 19, Deo teaches the apparatus according to claim 13, wherein said apparatus is a mobile communication device (Col 4, Line 22-28.... mobile device of the invention).

a. Referring to claims 23, 24 and 25:

Regarding claims 23, 24 and 25, Deo teaches the method according to claim 1, wherein the user is notified of the selected user profile by displaying the selected user profile on the display of the mobile electronic device (Col 4, Line 23-27 and Col 12, Line 23-35... using the mobile device of the invention, selected certificate is output to mobile display).

6. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deo et al (US-5721781), and further in view of Maruyama (US-20020049906).

a. Referring to claims 6 and 16:

Regarding claims 6 and 16, Deo teaches the mobile electronic device of claim 1 having storage of usage contexts and user profiles for transactions by a user (See the rejection in Claim 1). Deo does not teach a transaction invoice that is displayed on the mobile device and signed by the user. However, electronic invoices which a displayed on a mobile terminal and signed by user during transaction are well known in the art of e-commerce. For instance, Maruyama discloses a mobile terminal for receiving an electronic invoice of a transaction wherein the user digitally signs the electronic invoice on the terminal (See Maruyama, Fig. 1... user terminal 4 and Para 36.... user portable terminal 4 for receiving an electronic document in the form of an electronic invoice and user of the portable terminal signing the invoice with an electronic signature). Therefore, one of ordinary skill in the art would have been motivated to modify Deo's teaching by generating an electronic invoice for a transaction and displaying it on the mobile device to be signed by the user as taught by Maruyama (and as done in the art) for the purpose of securing the transaction process by obtaining a proof (in the form of a signed electronic invoice) that the user authorized the transaction.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IZUNNA OKEKE whose telephone number is (571)270-3854. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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